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MONTANA LEGISLATIVE HISTORY

Chapter 253 1993

Bill H _____ S 149 Original bill & history ✓ C

H. Committee on Local Gov't.		S. Committee on Local Gov't.	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
3/16	✓C	1/26	✓C
_____	___C	_____	___C
_____	___C	2/3	✓C
Date Out 3/25	___C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SENATE BILL NO. 149

INTRODUCED BY REA

IN THE SENATE

JANUARY 14, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 3, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 4, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 5, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 17, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
MARCH 18, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
MARCH 19, 1993	THIRD READING, CONCURRED IN. AYES, 97; NOES, 1.
MARCH 22, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 22, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 149

INTRODUCED BY Cea

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A COUNTY COMMISSION ESTABLISH AND MAINTAIN A COUNTY ROAD PETITIONED FOR BY FREEHOLDERS; AND AMENDING SECTION 7-14-2103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2103, MCA, is amended to read:

"**7-14-2103. Duties of county commissioners concerning county roads.** (1) Each board of county commissioners has general supervision over the county roads within the county.

~~(2) Each board shall survey, view, lay out, record, open, work, and maintain county roads which are petitioned for by freeholders. Guideposts shall be erected.~~

~~(3)~~(2) Each board shall discontinue or abandon county roads when freeholders properly petition ~~therefor~~ for discontinuance or abandonment."

-End-

SB 149
INTRODUCED BILL

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 149

INTRODUCED BY REA

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A COUNTY COMMISSION ESTABLISH AND, MAINTAIN, DISCONTINUE, OR ABANDON A COUNTY ROAD WHEN PETITIONED FOR BY FREEHOLDERS; AND AMENDING SECTION 7-14-2103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2103, MCA, is amended to read:

"**7-14-2103. Duties of county commissioners concerning county roads.** (1) Each board of county commissioners has general supervision over the county roads within the county.

~~(2)--Each-board-shall-survey,--view,--lay--out,--record,--open,--work,--and-maintain-county-roads-which-are-petitioned-for-by-freeholders.-Guideposts-shall-be-erected.~~

(2) EACH BOARD MAY SURVEY, VIEW, LAY OUT, RECORD, OPEN, WORK, AND MAINTAIN COUNTY ROADS THAT ARE PETITIONED FOR BY FREEHOLDERS. GUIDEPOSTS MUST BE ERECTED.

~~(3)~~(2)(3) Each board ~~shall~~ MAY discontinue or abandon county roads when freeholders properly petition ~~therefor~~ for discontinuance or abandonment."

-End-

SB 149
SECOND READING

HEARING ON SB 149

Opening Statement by Sponsor:

Senator Jack "Doc" Rea, Senate District 38, stated SB 149 was drafted at the request of the Gallatin County Commissioners. He said SB 149 would remove the requirement that a county commission establish and maintain a county road petitioned for by freeholders.

Proponents' Testimony:

Ms. Jane Jelinski, Gallatin County Commissioner, spoke from prepared testimony in support of SB 149. (Exhibit #2)

Mr. Tom Hardin, Teton County Road Supervisor, spoke in favor of SB 149 and offered a series of amendments to SB 149. (Exhibit #3)

Mr. Blake Wordal, Lewis and Clark County Commissioner, stated he supports the intent of SB 149. He said Lewis and Clark County has prioritized maintenance for only collector and arterial roads in the county only because they cannot afford to maintain other roads. Mr. Wordal said the county has encouraged residents to create their own maintenance districts to pay for non-arterial roads in their area since the county fund cannot afford the expense.

Mr. Gordon Morris, Montana Association of Counties (MACo), suggested the Committee adopt two amendments to SB 149, as it was his opinion subsection 2 of SB 149 contradicts 7-14-2605. He suggested the Committee substitute the word "may" for "shall" in subsections 2 and 3 to make SB 149 consistent with existing law so the intent of the bill is discretionary, not mandatory.

Mr. John Bloomquist, Special Assistant, Montana Stockgrowers Association, stated his Association supports the intent of SB 149. He said he was concerned the amendments offered by Mr. Hardin would create problems similar to the ones raised by SB 49 which was heard in Committee a few weeks ago.

Opponents' Testimony:

Mr. Bill Fairhurst, Public Lands Access Association, stated his Association did not support the language in Section 1, paragraph 2 of SB 149. He said the word "shall" should be substituted with the word "may" as suggested by Mr. Morris. Mr. Fairhurst concluded county roads play a key role in public access of lands and added there are sufficient provisions to petition for the abandonment of roads.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage asked Mr. Morris if the Committee would be better advised to strike subsection 2 of SB 149 instead of adopting his amendments. Mr. Morris replied striking subsection 2 from SB 149 would not make SB 149 consistent with existing law and again suggested the Committee adopt his amendments to replace the word "shall" with "may" in the pertinent sections.

Senator Gage asked how many petitions for roads were recorded on a statewide basis. Ms. Jelinski stated she was unsure of statewide records, however she said Gallatin County has received thirty to fifty petitions for abandonment and maybe one or two petitions for creation in the past eight years. She said the amendments offered by Mr. Hardin concern her because of the general assumption that anything recorded is a county road. Ms. Jelinski concluded the most important issue for her county is the discretion to maintain county roads. Senator Gage asked Ms. Jelinski of the frequency with which her county abides by abandonment petitions. Ms. Jelinski stated it was county policy not to abandon roads which cut off access to public lands. She said her county notifies the Public Lands Access Association whenever they receive a petition to abandon a road which gives access to public lands. She concluded the county complies with abandonment petitions nearly seventy percent of the time.

Senator Eck asked Ms. Jelinski of her opinion of Mr. Hardin's amendment which stated, "the level of maintenance of all county roads shall be determined by the Board of County Commissioners without penalty or loss of appropriation." Ms. Jelinski replied she strongly supported that particular amendment but added the Committee would need to discuss this matter with the Department of Transportation. She said it was not equitable for a county which does not maintain many roads on their county road system to receive more gas tax money than a county which does maintain most of their roads on their county road system. Senator Eck asked Ms. Jelinski if county roads are maintained in priority as to the frequency with which they are traveled, to which Ms. Jelinski replied yes.

Senator Swift asked Mr. Morris if SB 149 was necessary since commissioners already had discretionary authority regarding the creation or closure of county roads. Mr. Morris replied SB 149, in its current form, contradicts existing law. He added the amendments he offered would clarify SB 149 and make it consistent with current statutes.

Senator Eck asked Mr. Morris if the State would permit the Board of County Commissioners to determine the level of maintenance for

county roads. Mr. Morris replied the minimal requirement of maintenance of county roads for gas-tax purposes is once a year.

Closing by Sponsor:

Senator Rea stated he agreed with Mr. Morris' amendments and felt the amendments submitted by Mr. Hardin move beyond the original intent of SB 149.

ADJOURNMENT

Adjournment: 2:20 p.m.

SENATOR JOHN "ED" KENNEDY, Jr., Chair

ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government DATE 1-26-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding			✓
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

FC8

Attach to each day's minutes

County Commission

311 West Main - Room 301
Bozeman, Montana 59715

Telephone (406) 585-1400
Telefax (406) 585-1403

County of Gallatin

January 25, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE 1-26-93
BILL NO. SB 149

Local Government Committee

RE: Senate Bill 149

Please vote in favor of SB 149 which removes the mandate for counties to maintain all petitioned county roads. This mandate undermines a county's ability to plan, prioritize, and budget for road maintenance and repair in any meaningful way. Instead of following a carefully thought out plan for road maintenance based on safety, traffic, cost effectiveness, and planned development, counties could be required to spend their road monies based on legal challenges without regard to merit. There are numerous county roads which have been petitioned and never built, and there are as many county roads which are built and sustain heavy traffic but were never created by petition.

In Gallatin County we are being challenged to upgrade a petitioned road in preference to previously established priorities because a series of unreviewed twenty acre parcels have been created.

Commissioners need discretion to spend their precious road funds in a reasoned, prudent manner. Passage of SB 149 will accomplish this end.

Thank you for your time and consideration.

Sincerely,

GALLATIN COUNTY COMMISSION

A.D. Pruitt, Chairman

Deb Berglund, Member

Jane Jelinski, Member

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 1-26-93
BILL NO. SB 149

RESOLUTION NO. _____

WHEREAS, the existing County Road Law, Title 7, Chapter 14, Part 21 is determined to be in need of revision, and

WHEREAS, a longer period of time in which to finance county road projects is needed, and

WHEREAS, the existing law does not adequately provide for what constitutes proof of petitioned county roads, and

WHEREAS, the existing law does not include all types of county roads in the duties of the county commissioners with regard to county roads, and requires unnecessary expenses for guide posts, and

WHEREAS, the existing law does not specifically provide for the non-use and/or non-maintenance of county roads, and

WHEREAS, the existing law is inconsistent in its requirements for the abandonment of county roads,

NOW, THEREFORE, BE IT RESOLVED THAT THE EXISTING COUNTY ROAD LAW BE AMENDED AS FOLLOWS;

Section 7-14-2101. General powers of county relating to roads and bridges.

. . .(1) (b) (i) enter into agreements for adjusted annual contributions over not more than 10 years toward the cost of joint highway or bridge construction projects entered into in cooperation with other counties, the state, or the United States;

. . .(2) (a) unless the context requires otherwise, county road means any public highway opened, established, constructed, maintained, abandoned, or discontinued by a county in accordance with the Chapter, including roads created by petition of

freeholders, common-law dedication, by prescription or in accordance with 43 U.S.C. 932.

(b) (NEW SECTION) In determining whether a road which was petitioned for by freeholders was created as a county road, the county road record, taken as a whole, shall give rise to the presumption that a county road was created if such record shows an intent on the part of the county commissioners to create a county road. For this purpose, "the record" means any of the following: Copies of the petition, road viewers report(s), entries in the county commissioner's minute book of proceedings, entries in the county road book, inclusion of such road on official county road maps, or affidavits of county commissioners. A declaration by the County Commissioners, prior to the effective date of this amendment, that a road is declared opened or is a county road shall be deemed sufficient proof that a petitioned county road was established. Certified copies of any of the road record listed above shall be deemed admissible as evidence of an intent to create a petitioned county road. Further, such records are to be deemed official county road records regardless of their location, as long as they are located in a county courthouse.

Section 7-14-2103. Duties of county commissioners concerning county roads.

(1) Each board of county commissioners has general supervision over the county roads within the county. Each board shall survey, view, layout, record, and open roads that are petitioned by the freeholders, those created by common-law dedication, by prescription, and those created in accordance with 43 U.S.C. 932.

(2) The levels of maintenance of all county road shall be determined by the board of county commissioners without penalty or loss of appropriations, of local, state, or federal funds or refunds.

(3) A county road petitioned by freeholders and opened by the county commissioners shall not lose its identity as a county road

Exhibit 5
1-26-93
SB-149

through non-use or non-maintenance by the county or by the public.

(4) In the event the location of the present road has deviated from the original survey, it will still be considered the historical monument and a petitioned county road.

(5) Each board may discontinue or abandon county roads when freeholders properly petition therefore.

TETON COUNTY BOARD OF COMMISSIONERS

C. Albert Carlson

C. Albert Carlson, Chairman

Arnold Gettel

Arnold Gettel, Vice Chairman

Robert Krause

Robert Krause, Member

DATE 1-26-93

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 189, 189, 103

Name	Representing	Bill No.	Check One: Support	Oppose
WILLIAM A. FAIRHURST	PLAAI	149		X
Dick Michelotti	Cascade County Treas.	189	X	
Tom Hardin	Teton Co.	149	X	
C. Albert Carlson	Teton Co.	149	X	
John C Maye	AFSCME Helena	103		X
Vicki J. Tordal	Lewis & Clark Co	149	X	
Gordon Morris	MACo.			
Tom Swanson	City of Bozeman	103	X	
Alec Hansen	MLCT	103	X	
Al Sampson	City of Helena	103	X	
Jane Jelinek	Gallatin County	149	X	
Lisa Ehrlich	MACOP	103	X	
Gary Williams	Montana Police Protective Assn.	103	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on February 2, 1993, at 1:00 p.m.

ROLL CALL

Members Present:
Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Delwyn Gage

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 112, SB 243, HB 109
Executive Action: SB 149, HB 109

HEARING ON HB 109

Opening Statement by Sponsor:

Representative Joe Barnett, House District 76, stated HB 109 would give county commissioners discretion in developing county roads. He said HB 109 was drafted at the request of the Montana Association of Counties. Representative Barnett stated developers in his area went out, in anticipation of impending subdivision law reform, and divided ranches into twenty acre lots. He said half of the lots face an unpaved road, while the other half face a paved road. Representative Barnett stated individuals who purchased lots that face the unpaved roads are

consolidation of county offices by county commissioners violates this principle and takes the option away from local voters. She said she opposes the consolidation of the offices of Clerk and Recorder and County Treasurer, especially in the larger counties, because they serve as checks and balances against each other. Senator Harding urged the Committee to pass SB 112 and SB 243.

Discussion:

Connie Erickson stated Senate Rules require the Senate to pass a constitutional amendment on to the House. She said there is a question as to whether or not a Senate committee can table a bill that contains a constitutional amendment. She advised the Committee to report the bill out and let the Senate debate it and then pass it to the House.

EXECUTIVE ACTION ON HB 109

Motion/Vote:

Senator Eck moved HB 109 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 149

Discussion:

Connie Erickson stated there were two sets of amendments offered to SB 149. She said the first set of amendments would replace the word "shall" with "may" and reinsert Section 2. She said these changes would make it discretionary for county commissioners to establish or abandon petitioned roads. Ms. Erickson stated the second set of amendments were offered by Teton County.

Motion:

Senator Eck moved the Committee adopt the first set of amendments to SB 149 which would reinsert Section 2 and replace the word "shall" with "may".

Discussion:

Senator Bartlett asked Senator Eck if she moved to reinsert Section 2 to SB 149, to which Senator Eck replied she did.

Senator Weldon asked if the Committee had taken prior action on any bills pertaining to discretionary authority of county commissioners regarding road law. Connie Erickson replied the Committee took action on two other county road law bills, however, these bills sought to revise another section of code.

Vote:

The motion to amend SB 149 CARRIED UNANIMOUSLY.

Discussion:

Connie Erickson asked if the Committee wanted to consider the second set of amendments to SB 149 offered by the Teton County. She said some of these amendments move beyond the original intent of the bill. Ms. Erickson said their main desire was to amend SB 149 to give county commissioners discretion to maintain county roads at any level without penalty or loss of gas tax revenues. She said she spoke with an individual from the Department of Transportation regarding this matter and was informed there is a distinction between public roads and county roads. Ms. Erickson stated public roads are not always county roads and the Department of Transportation has standards in determining public roads. She said public roads are roads which are accessible for two-wheeled vehicles. Ms. Erickson said if the Department of Transportation allows a county to declare all roads, regardless of their level of maintenance, as part of their county road system, then all counties will see a decrease in their overall gas tax payment since it is a fixed amount. She added the Department of Transportation would oppose any attempt to put this amendment in statute.

Motion/Vote:

Senator Eck moved SB 149 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Discussion on Senate bills awaiting executive action:

Connie Erickson stated she is still working on SB 156. She said the dog breeders are working on amendments to change some of the language in SB 156 and asked the Committee not to take any action on SB 156 until she has had the opportunity to speak to them.

Senator Waterman stated SB 156 was getting too complicated and suggested the Committee consider amending the liability section pertaining to vicious dogs in existing code to include Senator Jergeson's concerns. Senator Weldon asked Senator Waterman if the language applied to potentially dangerous dogs which seemed to be of concern to Senator Jergeson. Senator Waterman replied

ROLL CALL

SENATE COMMITTEE Local Government DATE 2-2-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage			✓
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

February 3, 1993

MR. PRESIDENT:
We, your committee on Local Government having had under consideration Senate Bill No. 149 (first reading copy -- white), respectfully report that Senate Bill No. 149 be amended as follows and as so amended do pass.

Signed: John Ed Kennedy Jr.
Senator John "Ed" Kennedy, Jr., Chair

That such amendments read:

1. Title, line 5
Following: "ESTABLISH"
Strike: "AND"
Insert","
Following: "MAINTAIN"
Insert: ", DISCONTINUE, OR ABANDON"

2. Title, line 6
Following: "ROAD"
Insert: "WHEN"
Strike: "FOR"

3. Page 1.
Following: line 16
Insert: "(2) Each board may survey, view, lay out, record, open, work, and maintain county roads that are petitioned for by freeholders. Guideposts must be erected."
Renumber: subsequent subsection

4. Page 1, line 17.
Strike: "shall"
Insert: "may"

-END-

m— Amd. Coord.
Sec. of Senate

270950SC.Sma

HEARING ON SB 149

Opening Statement by Sponsor:

Senator Jack "Doc" Rea, Senate District 38, stated SB 149 was drafted at the request of the Gallatin County Commissioners. He said SB 149 would remove the requirement that a county commission establish and maintain a county road petitioned for by freeholders.

Proponents' Testimony:

Ms. Jane Jelinski, Gallatin County Commissioner, spoke from prepared testimony in support of SB 149. (Exhibit #2)

Mr. Tom Hardin, Teton County Road Supervisor, spoke in favor of SB 149 and offered a series of amendments to SB 149. (Exhibit #3)

Mr. Blake Wordal, Lewis and Clark County Commissioner, stated he supports the intent of SB 149. He said Lewis and Clark County has prioritized maintenance for only collector and arterial roads in the county only because they cannot afford to maintain other roads. Mr. Wordal said the county has encouraged residents to create their own maintenance districts to pay for non-arterial roads in their area since the county fund cannot afford the expense.

Mr. Gordon Morris, Montana Association of Counties (MACo), suggested the Committee adopt two amendments to SB 149, as it was his opinion subsection 2 of SB 149 contradicts 7-14-2605. He suggested the Committee substitute the word "may" for "shall" in subsections 2 and 3 to make SB 149 consistent with existing law so the intent of the bill is discretionary, not mandatory.

Mr. John Bloomquist, Special Assistant, Montana Stockgrowers Association, stated his Association supports the intent of SB 149. He said he was concerned the amendments offered by Mr. Hardin would create problems similar to the ones raised by SB 49 which was heard in Committee a few weeks ago.

Opponents' Testimony:

Mr. Bill Fairhurst, Public Lands Access Association, stated his Association did not support the language in Section 1, paragraph 2 of SB 149. He said the word "shall" should be substituted with the word "may" as suggested by Mr. Morris. Mr. Fairhurst concluded county roads play a key role in public access of lands and added there are sufficient provisions to petition for the abandonment of roads.

REP. BERGMAN asked **SEN. RYE** what the state law is at the present time. **SEN. RYE** said the current law is essentially whatever the local government entity says it is; there is no consistency around the state. Municipalities have great latitude as far as what sort of ordinance can be enacted. SB 364 will eliminate the likelihood of discrimination enacted by city governments against a specific type of person.

REP. DOWELL asked **Ms. Haddon** if the city ordinance was enacted to affect college students. **Ms. Haddon** replied that it was passed by the city council in the late 1970's in an effort to refurbish the homes surrounding the university.

REP. McCAFFREE asked **Mr. Tilletson** if there are ordinances requiring the landlord to be responsible for the condition of the home. **Mr. Tilletson** said he was only familiar with the zoning codes in Missoula and Billings. There is very little in the codes as far as requirements for landlords. For instance in Billings there is nothing requiring the landlords to keep the shrubbery alive, the lawn alive, or to keep the place painted, etc.

REP. HANSEN noted that a landlord/tenant act was passed this session and would address those concerns. She asked **Mr. Tilletson** if he sees anything in the bill that restricts the landlord from deciding how many people can live in a household. **Mr. Tilletson** answered that, as the bill is written, the landlord could rent a two bedroom home to ten people if he chose to.

REP. DOWELL asked **Mr. Barrett** if there are provisions regarding maintenance within rental agreements. **Mr. Barrett** replied there are requirements. The law will only change one thing, whether the people who live in a home are related or not. It will not stop any of the methods the city or the landlord normally use to regulate property.

Closing by Sponsor:

SEN. RYE closed on SB 364. He also informed the Committee that, due to **SEN. HAGER'S** ill health, he will be introducing SB 358.

HEARING ON SENATE BILL 149

Opening Statement by Sponsor:

SEN. JACK "DOC" REA, SD 38, Three Forks, stated he is introducing SB 149 at the request of the Gallatin County Commissioners. The bill would give County Commissioners the discretion to survey a road rather than it being mandatory, which is how the law reads currently. The two changes to the law are on line 18 and line 21 to change "shall" to "may."

Proponents' Testimony:

Beverly Gibson, Montana Association of Counties (MACo), expressed support for SB 149 saying it is permissive and gives flexibility to local authorities.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

SEN. REA thanked the committee closed on SB 149.

HEARING ON SENATE BILL 215

Opening Statement by Sponsor:

SEN. FRED VAN VALKENBURG, SD 30, Missoula, introduced SB 215 as a bill which would permit local governments to donate land obtained by tax deeds to organizations like Habitat for Humanity who are in the business of building or remodeling homes for people who otherwise would be unable to afford housing. SB 215 provides a solution for property which is not producing revenue for local governments and to rehabilitate that property, bringing it back on the tax roles.

Proponents' Testimony:

Tom Payne, Habitat for Humanity (HH), testified in support of SB 215. He stated that in Missoula the HH has built three houses for families, with two more in the progress. The organization has been facing difficulty in acquiring land which is acceptably priced. The city and county have tax deed property which would meet that requirement. **Mr. Payne** said he has met with city and county officials to explore the possibilities. The bill will not place hardships on anyone and local governments will have the discretion to donate property or not.

Peggy Stellmach, Board of Directors, Habitat for Humanity, Missoula, testified in support of SB 215. **EXHIBIT 7** She also submitted written testimony from other proponents who could not attend the meeting. **EXHIBITS 8, 9, and 10**

Robert Ward, Habitat for Humanity, Gallatin Valley, testified in support of SB 215. **EXHIBIT 11**

Belinda Rinker, Bozeman Human Resource Development Council (HRDC), testified in support of SB 215. She noted that in Bozeman the HRDC has been trying to develop low and moderate income housing. Four years ago HRDC bought two lots at $5,000 each; those same lots today are selling for $20,000. HRDC is trying to build homes which would allow individuals with incomes between

EXECUTIVE ACTION ON SENATE BILL 112

Motion/Vote: **REP. VOGEL MOVED SB 112 BE CONCURRED IN.** Motion carried on an 11-5 roll call vote.

EXECUTIVE ACTION ON SENATE BILL 149

Motion/Vote: **REP. McCAFFREE MOVED SB 149 BE CONCURRED IN.** Motion carried unanimously.

Motion/Vote: **REP. WYATT** moved to put SB 149 on the consent calendar. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 358

Discussion: **REP. BRANDEWIE** informed the Committee that there was a question of whether this legislation is even constitutional. Yellowstone County should go through the same bid process as other counties.

Motion/Vote: **REP. SAYLES MOVED TO TABLE SB 358.** Motion carried on a 9-7 roll call vote.

ADJOURNMENT

Adjournment: 6:30 p.m.

NORM WALLIN, Chairman

PAT BENNETT, Secretary

NW/pb

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 3/16/93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDENIE, VICE CHAIRMAN	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN			✓
REP. TIM DOWELL	✓		
REP. DAVID EWER	✓		
REP. STELLA JEAN HANSEN	✓		
REP. JACK KERRON	✓		
REP. ED McCAFFREE	✓		
REP. SHEILA RICE			✓
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL	✓		
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT	✓		

HOUSE STANDING COMMITTEE REPORT

March 17, 1993
Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 149 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: _____
Norm Wallin, Chair

Carried by: Rep. McCaffree

Committee Vote:
Yes 16, No 0.

6009498C.Hse

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LOCAL GOVERNMENT COMMITTEE BILL NO. SB149

DATE 3/16/93 SPONSOR(S) Senator Rea

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Beverly Gibson	MACo	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.